

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The purpose of this amendment is to implement the annual update of the maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICF/ID). This rate is used to determine the disposition of the income of a medical assistance income trust (MAIT).

The Iowa Department of Human Services provided the maximum charge for care in an ICF/ID. The maximum Medicaid rate for care in an ICF/ID decreased from \$25,922 per month to \$25,040 per month.

The result of this change may be that fewer individuals will qualify for medical assistance with Miller trusts. However, very few, if any, individuals in ICF/IDs will have monthly income between the current amount and the new amount.

The average charges for other medical institutions are not addressed in this rule making because those average charges are increased in a separate rule making (see **ARC 1484C** herein).

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin as **ARC 1416C** on April 2, 2014. The Department received no comments during the comment period. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on May 14, 2014.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective on July 1, 2014. The normal effective date can be waived since this amendment confers a benefit on the public by ensuring that state rules remain in compliance with federal regulations in accordance with federal law.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment will become effective on July 1, 2014.

The following amendment is adopted.

Amend subparagraph **75.24(3)“b”(2)** as follows:

(2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$25,922~~ \$25,040 per month.

[Filed Emergency After Notice 5/14/14, effective 7/1/14]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.